



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: March 20, 2017
Applicant: Shea Homes "Vista Del Cielo" Model Homes
Case No.: CUP16-0048
Addresses: 3208, 3204, 3203, 3207, and 3211 Corte Melano
Project Planner: Harold Phelps, AICP

Notice is hereby given that on March 20, 2017 the Zoning Administrator considered Conditional Use Permit (CUP) application CUP16-0048 filed by Roberta Correia on behalf of Shea Homes Limited Partnership ("Applicant"). The Applicant requests to establish three model homes a sales office and parking lot for the Vista Del Cielo single family homes subdivision ("Project"). The Project utilized five lots located at 3208, 3204, 3203, 3207, and 3211 Corte Melano in the Bella Lago Sectional Planning Area (SPA) Plan ("Project Site"). The Project Site is owned by Shea Homes Limited Partnership ("Property Owner"). The Project Site is zoned Residential Estates (RE) in the Bella Lago SPA Plan and the land use designation is Low Medium Residential in the General Plan. The Project is more specifically described as follows:

Three model homes consisting of Eclectic, Spanish Romantica, and Spanish Hacienda style architecture are proposed for lots 102, 103, and 104, and a sales office trailer, ADA accessible restroom and seven parking spaces including two ADA accessible spaces on lots 105 and 106.

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA), and it has been determined that the Project was adequately covered in the previously adopted EIR-02-05 (#2002051138) for the Bella Lago SPA plan. No further environmental review is required.

The Zoning Administrator, under the provisions of CVMC Sections 19.14.030.A.2, 19.14.080, and the Bella Lago (SPA) plan, has been able to make the findings for approval of this conditional use permit based upon the following findings of facts:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The Shea Homes models and sales office location is desirable in that it is in close proximity to Via Maggiore, which provides direct access to Agua Vista Drive and Proctor Valley Road. The model home sales complex will allow the Applicant to provide sales information to the general public regarding new homes within the Vista Del Cielo by Shea Homes at Bella Lago SPA Plan Master Planned Community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The Project is conditioned to require the Applicant to post a bond in the amount determined by the Zoning Administrator to be adequate to insure that the temporary sales office and handicap-accessible restroom facility, as well as the model homes, will be removed or restored at the completion of their use as part of the model complex. Thus, the proposed model home complex will not be detrimental to the safety or general welfare in that it will provide sufficient on-site parking with handicapped accessibility.

- 3. That the use will comply with the regulations and conditions specified in the code for such use.**

The use complies with the Bella Lago PC District Regulations. The conditional approval requires continuing compliance with all conditions, codes and regulations, as applicable, prior to the final issuance of any permit or occupancy of any facility on the site for the proposed project. The Project provides sufficient parking in that seven off-street parking spaces are a part of the model/office complex, which includes two handicapped-accessible parking spaces.

- 4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The General Plan does not specifically address temporary type uses. Thus, the granting of this Conditional Use Permit is in substantial compliance with the Bella Lago SPA Plan and the Chula Vista General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP16-0048, as described above, subject to the following conditions of approval in Sections I and II:

- I. The following conditions of approval shall be satisfied prior to issuance of the building permit for the Project:**

1. The Property Owner and the Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and Applicant have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days shall indicate the Property Owner/Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Representative

Date

Signature of Authorized Property Owner

Date


2. The Applicant shall comply with the 2016 edition of the California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), California Energy Code, and the Green Building Ordinance (CVMC 15.12) and all other locally adopted City and state requirements.
3. Provide a bond for the restoration of the model homes and removal of the temporary sales office, ADA restroom, signage, parking lot and all other temporary features. There is no specific format required for this bond. When the model homes are restored and the temporary site features are removed, the applicant shall submit a letter to the Development Services Department requesting release of the bond.
4. Obtain a construction permit from the City's Engineering Department to perform any work in the City's right-of-way, including the construction of a driveway approach, temporary trap fencing and monument signage. Streets shall be designated as private within Bella Lago.
5. Comply with Form 5509 Development Checklist Requirements. Payment is required for the following fees: Sewer Connection & Capacity, Traffic Signal, Public Facility Development Impact (PFDIF), Eastern Transportation Development Impact (ETDIF), and Park Acquisition and Development (PAD).
6. Parking for model homes shall be ADA compliant. Pedestrian ramps shall be constructed per ADA standards and approved by the City. Provide ADA compliant portable toilets if sewer service not available.
7. Prior to any Landscape Construction, the Applicant is required to submit a complete set of Landscape and Irrigation plans demonstrating compliance with the City's Landscape Water Conservation Ordinance (LWCO) (CVMC 20.12) and Landscape Manual.

II. The following on-going conditions shall apply to the subject property as long as it relies upon this approval.

8. The Applicant shall maintain the Project in accordance with the approved plans for CUP16-0048 date stamped on March 20, 2017, which includes a site plan, floor plan and elevations on file in the Planning Division, the conditions contained herein, Title 19, and the Bella Lago SPA Plan.

9. Approval of this Conditional Use Permit shall not waive compliance with any sections of Title 19 (Zoning) of the Municipal Code nor any other applicable City Ordinances in effect at the time of building permit issuance.
10. The Applicant/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless City, its Council members, officers, employees, agents and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorneys' fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein. Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated, above. Applicant's/Operator's compliance with this provision is an express condition of this Conditional Use Permit and this provision shall be binding on any and all of Applicant's/Operator's successors and assigns.
11. This Conditional Use Permit shall become void and ineffective if not utilized or extended within three years from the date of approval (March 20, 2020) pursuant to Section 19.14.260 of the Municipal Code.
12. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
13. If any of the foregoing conditions fails to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 20th day of March 2017.



Michael Walker
Zoning Administrator